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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,013	07/31/2000	Cary D. Perttunen	CDP0700	4915

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CARY D. PERTTUNEN
11764 RAINTREE COURT
SHELBY TOWNSHIP, MI 48315

EXAMINER

CARLSON, JEFFREY D

ART UNIT PAPER NUMBER

3622

DATE MAILED: 07/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/629,013

Applicant(s)

PERTTUNEN, CARY D.

Examiner

Jeffrey D. Carlson

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 2, 15 and 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-14, 16-27 and 29-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-35 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the preliminary amendment filed 1-16-01.

Election/Restrictions

2. This application contains claims directed to the following patentably distinct species of the claimed invention:

- I Use of correlation of page to search terms to select the ad.
- II Use of tree-defined attributes of referring page to select the ad.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1, 10-14, 23-27 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.



Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

3. During a telephone conversation with Cary Perttunen on 6/26/03 a provisional election was made without traverse to prosecute the invention of group II, claims 1, 3-14, 16-27, 29-35. Affirmation of this election must be made by applicant in replying to this Office action. Claims 2, 15 and 28 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Specification

4. The disclosure is objected to because of the following informalities:

-   The disclosure contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01. The URLs on page 2 lines 1 and 3 should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 14, 25, 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

■ Claim 14 line 4 and claim 27 lines 23, it is unclear to which "resource" the claim refers.

U ■ Claim 25 line 9, there is no antecedent basis for the cookie.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 3-14, 16-27, 29-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohn et al (US6308202) in view of Merriman et al (US5948061).

Applicant admits known methods for providing a web page having plural links which are arranged in a hierarchy of categories, such as Yahoo! Categories. Cohn et al teaches the idea for categorizing a plurality of links in various categories. A database is created that associates the identified links with the created categories. When a user selects a categorized link, the link is identified and the database is queried to determine the link category. An ad specific to this link category is then selected and user is subjected to display such advertising in his web browser [2:57-68]. Merriman et al also teaches the

idea of displaying ads targeted to the user of the web browser. Merriman et al provides programming/scripting for storing cookies on the users machine used to identify the user for targeting. The user is identified via cookies and access to a database containing his targeting criteria (profile) is carried out. An ad specific to the user profile is selected and delivered. It would have been obvious to one of ordinary skill at the time of the invention to have provided such cookie programming/scripting with the web pages of Cohn et al so that the cookies can be used to identify the selected links and associate a selected targeted ad to the categorized subject matter of the selected link. Doing so using a page of hierarchical links as disclosed would provide the claim language of variables (stored within cookies) specific to each resource listed in the hierarchical tree-like collection of links. Cohn et al's categorization for the links in a tree defined by hierarchical subject matter "determines a tree which relates the web resources wherein the variables (used to identify link content categories) are defined by their location in the tree." The variables specific to the resource category are also related to the subject matter hierarchical definitions, regardless of tree level and inherently relate to at least level 1. Links whose position in the tree include the "leafs" or end-nodes have subject matter categorized as such (as end nodes). For example, the tree may include a level of "sports" and below that "running" and below that, "running shoes," or the tree may just define "sports" as the end node. The variables will be associated with the linked resources, regardless of whether they are internal to the tree, or whether they are leafs. Regarding claim 13 and 26, Merriman et al's tracking and updating of the history of the targeted ad displays is taken to "update a data structure associated with the ad, based on the variable."

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Khan et al (US6460038) teaches a tree of links having hierarchical subjects, each link is associated with displayed advertising.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 703-308-3402. The examiner can normally be reached on Mon-Fri 8:30-6p, (off on alternate Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 703-305-8469. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Jeffrey D. Carlson
Primary Examiner
Art Unit 3622

jdc
June 27, 2003